

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HUGHETTE CRUMPLER,)	CASE NO. C-1-02-131
)	
Plaintiff,)	JUDGE SUSAN J. DLOTT
)	
vs.)	
)	
TELXON CORPORATION, et al.,)	
)	TELXON CORPORATION AND
Defendants/Third-Party)	SYMBOL TECHNOLOGIES, INC.'S
Plaintiffs,)	RULE 26(a)(1) INITIAL
)	DISCLOSURES TO THIRD-PARTY
vs.)	DEFENDANT
)	
JOHN W. PAXTON, SR.,)	
)	
Third-Party Defendant.)	

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Telxon Corporation and Symbol Technologies, Inc. (collectively "Defendants/Third-Party Plaintiffs") submit the following initial disclosures to Third-Party Defendant John W. Paxton, Sr. ("Paxton"):

A. Individuals or Entities Likely to Have Discoverable Information

The following individuals or entities are likely to have discoverable information relevant to the Complaint, Counterclaim, Third-Party Complaint and Third-Party Counterclaim.

These initial disclosures will be supplemented if additional information is obtained through discovery.

1. **John W. Paxton**
5697 State Route 132
Batavia, OH 45103

Subject: All allegations in all pleadings.

2. **Hughette Crumpler**
648 West Wllington, Apt.2-W
Chicago, Ill. 60657

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint.

3. **Richard J. Bogomolny**
530 Battles Road
Gates Mills, OH 44040
(440) 423-1519

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

4. **Norton W. Rose**
Kenzer Corporation
3601 Green Rd., Suite 310
Beachwood, OH 44122
(216) 595-6585

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

5. **Dr. Raj Reddy**
Carnegie Mellon University
5325 Wean Hall
Pittsburgh, PA 15213
(412) 268-2598

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

6. **John H. Cribb**
J.H.C. Consulting
Harbourside House
94 Panorama Road
Sandbanks
Poole, Dorset BH137RG
United Kingdom
(011) 44-1202-707-597

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

7. **Robert A. Goodman**
28726 Gates Mills Blvd.
Pepper Pike, OH 44124
(216) 831-2417

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

8. **R.D. Garwood**
8400 Jett Ferry Road
Atlanta, GA 30350
(770) 668-9068

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

9. **L. Michael Hone**
7 Bobby Jones Drive
Andover, MA 01810
(978) 475-9865

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

10. **Jonathon R. Macey**
28 Renwick Heights Road
Ithaca, NY 14850
(607) 272-0366

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

11. **Frank E. Brick**
10 Summer Port
Woodlands, TX 77381
(281) 364-1204

Subject: All allegations in the pleadings, specifically including, but not limited to, Telxon's corporate policy with respect to severance packages and indemnification and the authority of the Chief Executive Officer.

12. **Gerald Gabriel**
2694 Sanctuary Drive
Akron, OH 44333
(330) 664-2216

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint, specifically including, but not limited to, Plaintiff's employment history with Telxon.

13. **Gary L. Grand**
530 Park Ridge Drive
Munroe Falls, OH 44262
(330) 688-0747 Home

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint, specifically including, but not limited to, Plaintiff's employment history with Telxon.

14. **Leonard H. Goldner**
Bob Bradshaw
Cecile Hickman
Symbol Technologies, Inc.
One Symbol Plaza
Holtsville, NY 11742
(631) 738-2400

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint, specifically including, but not limited to, the terms of the merger agreement and Paxton and Crumpler's conduct after the merger agreement was signed.

15. **Tomo Razmilovic**
c/o Jon J. Pinney
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint, specifically including, but not limited to, the terms of the merger agreement and Paxton and Crumpler's conduct after the merger agreement was signed.

16. **Meg Pais**
c/o Jon J. Pinney
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint.

17. **Lisa McManis**
c/o Jon J. Pinney
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint.

18. **Glenn Hansen**
c/o Jon J. Pinney
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint.

19. **Beth Staples**
c/o Jon J. Pinney
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114

Subject: All allegations in the Complaint, Counterclaim, and Third-Party Complaint.

B. Identification of Documents

Attached hereto are copies of documents, data compilations, and tangible things that are in the possession, custody, or control of the Defendants/Third-Party Plaintiffs and that the Defendants/Third-Party Plaintiffs may use to support their claims or defenses. These initial disclosures will be supplemented if additional information is obtained through discovery.

C. Computation of Damages

Defendants/Third-Party Plaintiffs have not determined, at this time, the exact amount of damages they have suffered as a result of Plaintiff's and Paxton's fraudulent course of conduct, as alleged in Defendants/Third-Party Plaintiffs' Counterclaim and Third-Party Complaint. Consistent with the Federal Rules of Civil Procedure, Defendants/Third-Party Plaintiffs will supplement their response hereto. Certainly, the damages include any monies paid to Crumpler.

D. Insurance

Whether or not there is insurance coverage that will satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment is in dispute. Copies of insurance policies that may potentially provide coverage will be produced upon entry of a proper protective order.

Respectfully submitted,



OF COUNSEL:

GOODMAN WEISS MILLER LLP

JAMES S. WERTHEIM (0029464)
KIMBERLY Y. SMITH (0066849)
JON J. PINNEY (0072761)
100 Erieview Plaza, 27th Floor
Cleveland, OH 44114-1882
(ph.) 216-696-3366 • (fax) 216-363-5835
wertheim@goodmanweissmiller.com
smith@goodmanweissmiller.com
pinney@goodmanweissmiller.com

Attorneys for Defendants/Third-Party Plaintiffs

CERTIFICATE OF SERVICE

A copy of *Telxon Corporation and Symbol Technologies, Inc.'s Rule 26(a)(1) Initial Disclosures to Third-Party Defendant* was sent by overnight mail, postage prepaid, this 6th day of January, 2003, to:

Robert A. McMahon, Esq.
EBERLY MCMAHON HOCHSCHEID LLC
3700 Eastern Avenue
Cincinnati, OH 45226
Counsel for Plaintiff Hugnette Crumpler

Michael A. Manzler, Esq.
Deborah DeLong, Esq.
DINSMORE & SHOHL LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202
Counsel for Third-Party Defendant John W. Paxton, Sr.



KIMBERLY Y. SMITH